

**Application No. 10/775,680
Amendment dated April 15, 2010
Reply to Office Action dated October 20, 2009**

Amendments to the Claims:

This listing of the claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently amended) ~~In a system A method carried out via an internet website for effectuating collaboration between one or many buyers and sellers, and their third party service providers[, (collectively called “partners”)] one or more incentive programs between two or more partners in a supply community which enables a first partner (also known as an “establishing partner”) to establish financial consequences that motivate one or more other partners in each incentive program (referred to herein as one or more “participating partners”) to achieve or exceed a minimum required level of performance on at least one performance indicator that measures aggregate performance for a set of events defined by a time or count period wherein the other one or more participating partners, the performance indicators, the minimum level of performance required for each performance indicator, and the financial consequence for each performance indicator are selected and specified by the establishing partner, [[a]] the method including the steps of:~~

~~selecting at least one other partner sending invitations from an internet website to one or more members of a supply community to become one or more participating partners in one or more incentive programs;~~

~~selecting for each incentive program, inputting into the internet website a selection of at least one performance indicator that measures aggregate performance for a set of events defined by a time or count period for each selected participating partner[[], and]]~~

~~specifying the inputting into the internet website a minimum level of performance for each of the at least one performance indicators in each incentive program; and the~~

entering into the internet website a financial consequence to motivate the at least one participating partner to achieve or the minimum required level of performance in each incentive program; and for the at least one selected indicator;

collecting and storing data necessary to calculate the performance of the at least one selected partner on the at least one selected performance indicator;

analyzing the collected and stored data to generate an aggregated measure of performance for the time or even count period; and

determining the outputting from the internet website a financial credit or financial debit due to the at least one selected and each participating partner for the time or event count period in each incentive program.

2. (Currently amended) The method as claimed in claim 1 wherein the at least one selected participating partner is from a group of one or more partners where the group is defined by a common attribute that does not include the establishing partner.
3. (canceled)
4. (Currently amended) The method as claimed in claim 1 wherein the establishing partner selects a group of at least one other partners partner and all partners in the selected group of partners share a common attribute.
5. (Original) The method as claimed in claim 1 wherein the establishing partner selects at least one other partner from more than one group of partners, each group having at least one other partner.
6. (Currently amended) The method as claimed in claim 1 wherein the consequences for a selected incentive is a financial reward favorable to the at least one selected participating partner.

7. (Currently amended) The method as claimed in claim 1 wherein the consequence for a selected ~~incentive is a~~ incentive includes a financial reward favorable and financial penalty unfavorable to the at least one ~~selected~~ participating partner when the minimum required level of performance is not achieved
8. (Original) The method ~~is claimed as claimed~~ in claim 6 or 7 wherein the consequence for a selected incentive is a financial reward that is less than or more than the net cost savings realized by the establishing partner for each unit increment improvement in performance when the at least one participating partner achieves and exceeds the minimum required level of performance on the at least one performance indicator.
9. (Canceled).
10. (Currently amended) The method as claimed in claims 2, 3, 4 or 5 wherein the consequence for a selected incentive program is a financial reward favorable to the ~~at least one selected~~ participating partner and a financial penalty unfavorable to the ~~at least one selected~~ participating partner when the minimum required level of performance is not achieved ~~and the at least one selected partner may elect to or not to participate in the selected incentive program.~~
11. (Canceled).
12. (Currently amended) The method as claimed in claim 1 ~~wherein the establishing partner can specify specifying~~ comprising specifying the time or count measurement period of [[the]] a selected performance indicators ~~and designate indicator and designating~~ the minimum required level of performance and the consequence for each selected performance indicator ~~the at least one selected for each participating~~ partner.
- 13 - 15. (Canceled).

16. (Currently amended) The method as claimed in claims 4, 6 and 15 wherein the establishing partner may increase 1 or 6 including increasing any favorable reward or reducee reducing the minimum required level of performance for a selected incentive program anytime during the time or count incentive program duration period for that incentive.
17. (Original) The method as claimed in claim 16 wherein the establishing partner may lower the time or count measurement period at anytime.
18. (Currently amended) The method as claimed in claim 16 wherein the establishing partner may change the time or count measurement period at anytime provided that the time or count measurement is not longer than the time ~~of eouny~~ or count incentive program duration period.
19. (Canceled).
20. (Currently amended) The method as claimed in claim 1 further comprising the steps of: collecting and storing data necessary to calculate the selected performance indicators wherein the data quantitatively describes ~~the product~~ a product or service provided and the means of providing the product or service using selected attributes.

21. (Currently amended) A system for effectuating collaboration between one or many buyers and sellers, and their third party service providers (~~"partners"~~) in a supply community by operating an incentive program which enables an establishing partner to establish consequences that motivate one or more to achieve or exceed a minimum required level of performance on at least one performance indicator that measures aggregate performance for a set of events defined by a time or count period wherein the other partners, the performance indicators, the minimum level of performance required for each performance indicator, and the consequences for each performance indicator are selected and specified by the establishing partner, ~~all of which define an incentive program~~, the system comprising:

means for inviting at least one member of the community to be a participating partner in the incentive program ~~partner to select at least one other partner~~;

means for the establishing party to select at least one performance indicator for each selected participating partner and to specify the minimum required level aggregated measure of performance and the and a financial consequence for the at least one selected indicator for a set of events defined by a time or count period;

means for collecting and storing data necessary to calculate the performance an aggregated measure of performance of the at least one partner on the at least one selected performance indicator;

means for analyzing the collected and stored data to generate an aggregated measure of performance for the time or event count period; and

means for determining the financial credit or financial debit due to the at least one selected and participating partner for the time or event count period.

22. (Currently amended) The system as claimed in claim 21 wherein the at least one selected-participating partner is selected from a group of one or more partners where the group is defined by a common attribute and does not include the group of the establishing partner.
23. (Canceled)
24. (Original) The system as claimed in claim 22 wherein the establishing partner selects a group of at least one other partner where the at least one other partner in the selected group of partners shares a common attribute.
25. (Original) The system as claimed in claim 22 wherein the establishing partner selects at least one other partner from more than one group of partners each group having at least one other partner.
26. (Currently amended) The system as claimed in claim 22 wherein the consequences for a particular incentive is a financial reward favorable to the at least one selected-participating partner.
27. (Currently amended) The system as claimed in claim 22 wherein the consequences for a selected incentive is a financial reward favorable to the at least one selected-participating partner and a financial penalty unfavorable to the at least one selected-participating partner when the minimum required level of performance is not achieved.
28. (Original) The system as claimed in claims 26 or 27 wherein the consequence for a selected incentive is a financial reward that is less than or more than the net cost savings realized by the establishing partner for each unit improvement in performance when the at least one participating partner achieves and exceeds the minimum required level of performance on the at least one performance indicator.
29. (Canceled)

30. (Currently amended) The system as claimed in ~~claims 23, claim~~ 24, 25 or 26 wherein the consequence for a selected incentive program is a financial reward favorable to the at least one ~~selected participating partner and the at least one selected partner the at least one selected partner must participate in the selected incentive program.~~
31. (Currently amended) The system as claimed in ~~claims 23, claim~~ 24, 25 or 26 wherein the consequence for a selected incentive program is a financial reward favorable to the at least one ~~selected participating partner and a financial penalty unfavorable to the at least one selected participating partner when the minimum required level of performance is not achieved and the selected partners may elect to participate or not to participate in the selected incentive program.~~
32. (Currently amended) The system as claimed in claim 22 wherein the establishing partner can establish the time or count measurement period of the selected performance indicators and designate the minimum required level of performance and the consequence for each selected performance indicator for at least one ~~selected participating partner~~.
33. (Currently amended) The system as claimed in claim 32 wherein the establishing partner can specify the time or count incentive program duration period for each incentive for at least one ~~selected participating partner~~.
34. (Original) The system as claimed in claim 33 wherein the establishing partner must specify a time or count incentive program duration period that is greater than the specified time or count measurement period for the at least one selected performance indicator.
35. (Canceled).

36. (Currently amended 1) The system as claimed in claims ~~22, 25 or 35~~ 22 or 25 wherein the establishing partner may increase any favorable reward or reduce the minimum required level of performance for a specified incentive program anytime during the time or count incentive program duration for the selected incentive program.
37. (Original) The system as claimed in claim 36 wherein the establishing partner may lower the time or count measurement period at anytime.
38. (Original) The system as claimed in claim 37 wherein the establishing partner may change the time or count measurement period at anytime provided the time or count measurement is not longer than the time or count incentive program duration period.
39. (Canceled)
40. (Original) The system as claimed in claim 22 wherein the system is modular in design and the modules include a customer care module, a data entry and management module, and incentive program creation and management module and an account management module.
41. (Original) The system as claimed in claim 40 wherein the customer care module provides information for prospective partners, enrolls joining partners, and provides new partners with information, communication tools and training tools; the master data entry and management module maintains the required and necessary master data about each business and locations; the transaction module enters and manages the data that drives the performance and incentive modules; the performance module evaluates the performance of each participating partner against the key performance indicators; the incentive program creation and management module provides the partners with means to create and manage their own incentive programs; and the account management module provides a monthly financial report and invoice for each partner.

42. (Currently amended) The system as claimed in claim 22 wherein the establishing partner selects a group of partners and all partners in the selected group of partners share a common attribute, the establishing partner selects partners from more than one group of partners, the consequence for a selected performance indicator may be more than or less than the net cost savings realized by the establishing partner for each unit improvement in the at least one performance indicator, the at least one selected participating partner must participate in all incentive programs with all establishing partners, the at least one selected partners may elect to participate or not participate in any incentive program with any establishing partner, the establishing partner can specify the time and count measurement duration for each incentive for each other partner, the establishing partner can specify the time or count program duration for each incentive for at least one selected partner, the establishing partner can specify the minimum required level of performance for a selected performance indicator with at least one selected partner, the establishing partner may change the time or count measurement at anytime provided that the time or count measurement period is not longer than the time or count incentive program duration period, and the establishing partner may discontinue an incentive program at anytime after the completion of the time or count duration period for that incentive program.
43. (Original) The method as claimed in claim 1 wherein the establishing partner and the at least one selected partner may be in the same corporate entity.
44. (Original) The method as claimed in claim 20 wherein the establishing partner and the at least one selected partner may be in the same corporate entity.
45. (Original) The system as claimed in claim 21 wherein the establishing partner and the at least one selected partner may be in the same corporate entity.
46. (Original) The system as claimed in claim 40 wherein the establishing partner and the at least one selected partner may be in the same corporate entity.

47. (Original) The method as claimed in claim 1 wherein the establishing partner selects a group of partners and all partners in the selected group of partners share a common attribute, the establishing partner selects partners from more than one group of partners, the consequence for a selected performance indicator may be more than or less than the cost savings realized by the establishing partner for each unit improvement in the at least one performance indicator, the at least one selected partner may elect to participate or not to participate in any incentive program and with any establishing partner, the establishing partner can specify the time or count program duration for each incentive for at least one selected partner, the establishing partner can specify the minimum required level of performance for a selected performance indicator with at least one selected partner, the establishing partner may change the time or count measurement period at anytime provided the time or count measurement period is not longer than the time or count incentive program duration period, and the establishing partner may discontinue an incentive program at anytime after the completion of the time or count duration period for the selected incentive program.
48. (New) The method of claim 1 wherein the establishing partner and participating partners are members of a transportation marketplace.
49. (New) The system of claim 21 wherein the establishing partner and participating partners are members of a transportation marketplace.
50. (New) The method of claim 1 wherein the at least one performance indicator measures performance of the participating party in relation to third parties.
51. (New) The system of claim 21 wherein the at least one performance indicator measures performance of the participating party in relation to third parties.

52. (New) A method carried out over the internet for effectuating one or more incentive programs between two or more partners in a supply community including one or more establishing partners and one or more participating partners to establish financial consequences that motivate the one or more participating partners in each incentive program to achieve or exceed a minimum required level of performance on at least one performance indicator that measures aggregate performance for a set of events defined by a time or count period, wherein the performance indicators, the minimum level of performance required for each performance indicator, and the financial consequence for each performance indicator in an incentive program are selected and specified by an establishing partner, the method including the steps of:

providing an internet website for creating a supply community of potential partners for incentive programs;

receiving at the internet website data pertaining to an incentive program from each establishing partner;

outputting from the internet website invitations to selected partners to participate in an incentive program;

receiving from selected partners data indicating enrollment in an incentive program to thus become participating partners in the incentive program;

recording and storing incentive program details at the internet website;

collecting transaction data at the internet website;

calculating KPI's and gainshare credits in accordance with the incentive program at the internet website;

outputting from the internet website financial results to the establishing partner and each participating partner; and

settling debits and credits among partners in the incentive program via the internet website.

53. (New) The method as claimed in claim 52 wherein the at least one participating partner is from a group of one or more partners where the group is defined by a common attribute that does not include the establishing partner.
54. (New) The method as claimed in claim 52 wherein the establishing partner selects at least one other partner from more than one group of partners, each group having at least one other partner.
55. (New) The method as claimed in claim 52 wherein the consequence for a selected incentive includes a financial reward favorable and financial penalty unfavorable to the at least one participating partner when the minimum required level of performance is not achieved
56. (New) The method is claimed in claim 55 wherein the consequence for a selected incentive is a financial reward that is less than or more than the net cost savings realized by the establishing partner for each unit increment improvement in performance when the at least one participating partner achieves and exceeds the minimum required level of performance on the at least one performance indicator.
57. (New) The method as claimed in claim 52 comprising specifying the time or count measurement period of a selected performance indicator and designating the minimum required level of performance and the consequence for each selected performance indicator for each participating partner.
58. (New) The method as claimed in claim 52 including increasing any favorable reward or reducing the minimum required level of performance for a selected incentive program during the time or count incentive program duration period for that incentive.
59. (New) The method as claimed in claim 52 wherein the establishing partner may lower the time or count measurement period at anytime.

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60. (New) The method as claimed in claim 58 wherein the establishing partner may change the time or count measurement period at anytime provided that the time or count measurement is not longer than the time or count incentive program duration period.
61. (New) The method as claimed in claim 52 further comprising the steps of: collecting and storing data necessary to calculate the selected performance indicators wherein the data quantitatively describes the product or service provided and the means of providing the product or service using selected attributes.
62. (New) The method of claim 52 wherein the establishing partner and participating partners are members of a transportation marketplace.
63. (New) The method of claim 52 wherein the at least one performance indicator measures performance of the participating party in relation to third parties.